

### **REMARKS**

Claims 1, 3, 8, and 37-39 are pending in the application and stand rejected. New claims 40-43 have been added. No new subject matter has been added.

#### **Claim Amendments:**

Claim 8 has been amended to delete the term "second" from "second registration accepting device," so as to address lack of support for "second registration device," to change "should be" to "is to be," "the upper" to "an upper," and correct a grammatical error. Claim 37 has been amended to change "predetermined time" to "predetermined period" which is supported, for example, by ¶0151 of the application as published.

New claim 40 is supported, for example, by ¶0016 of the application as published.

New claim 41 is supported, for example, by ¶0018 of the application as published.

New claim 42 is supported, for example, by ¶0025 of the application as published.

New claim 43 is supported, for example, by ¶0027 of the application as published.

#### **Claim Rejection Under 35 U.S.C. § 112:**

##### **Office Action Section 4 - Objection to the Specification**

The Examiner has objected to the specification as being replete with grammatical and idiomatic errors. Applicant respectfully traverses because the specification, coupled with information known in the art, is clear for any person skilled in the art to make and use the invention without undue experimentation. Support for the claims exists in the specification as described below. Therefore,

the Examiner is requested to withdraw the rejection.

Office Action Section 5 - Rejection of Claims 1 and 8

The Examiner has rejected claims 1 and 8 under 35 U.S.C. § 112 as failing to comply with the enablement requirement.

Applicant has amended claim 1 to delete "list." Applicant has amended claim 8 to change "second registration accepting device" to "registration accepting device," shown, for example, as reference numeral 18 in FIG. 3A. Applicant submits that these amendments render the claims appropriate under 35 U.S.C. § 112 enablement requirement.

Office Action Section 6 - Claims 1, 3, 8, and 37-39 Termed as Narrative and Indefinite

The Examiner has rejected claims 1, 3, 8, and 37-39 under 35 U.S.C. § 112 as being generally narrative and indefinite. Applicant respectfully traverses the rejection.

The claimed subject matter in claim 1 has ample description in the specification as shown below:

The distribution module is shown, for example, in FIGS. 1 and 3A as "DB" and described in accompanying text for FIGS. 1 and 3A. The first registration accepting device is, for example, identified as reference numeral 18 in FIG. 3A and described in accompanying text for FIG. 3A. The advertisement information accumulating device is, for example, identified as reference numerals 11, 12 in FIG. 3A and described in accompanying text for FIG. 3A. The outputting device is, for example, identified as reference numeral 13 in FIG. 3A and described in accompanying text for FIG. 3A. The transmitting medium is, for example, identified as "IN" in FIG. 1 and described in accompanying text for FIG. 1. The ranking device is, for example, identified as reference numeral 15 in FIG. 3A and described on page 28, lines 6-14, of the application as filed. The output module is, for example, identified as "J" in FIG. 1 and described in accompanying text for FIG. 1. The obtaining device is, for example, identified as "21" in FIG. 4 and

described in accompanying text for FIG. 4. the information outputting device is, for example, identified as "22" in FIG. 4 and described in accompanying text for FIG. 4.

Regarding Examiner's observations about claim 1, Applicant respectfully submits that "said transmitting medium used for distributing an output distribution information" means, for example, the network IN is used for distributing information necessary for distributing the advertisement information to the consumer who receives output of the advertisement as described, for example, in ¶¶0188 and 0189 of the application as published.

Regarding Examiner's observations about claim 37, Applicant respectfully submits that the notice device is described on page 25, lines 1-9, of the application as filed. The foregoing passage, for example, describes how a ranking removal notice (a notice information) is generated in the advertisement information server DB. In the phrase "notice device which notices a notice information," "notices" means, for example, "mentions," "informs" or "conveys," as is traditionally known in the English language. In this connection, Applicant cites "American Heritage Dictionary" for the meaning of the verb "notice":

1. To comment on; mention.
2. To give or file a notice of: *noticed the court case for next Tuesday.*

In other words, "notice device which notices a notice information" means, for example, "notice device which conveys a notice information."

#### Office Action Section 7 – Phrase "should be paid"

Applicant has amended claim 8 to change "should be" to "is to be" to address Examiner's observations about indefiniteness.

#### Office Action Section 8 – Antecedent Basis

Applicant has amended "the upper" to "an upper" to address the antecedent basis rejection. The upper rank accumulating device is described,

for example, in ¶¶0039 and 0040 of the application as published.

**Claim Rejection Under 35 U.S.C. § 102:**

The Examiner has rejected claims 1, 3, 8 and 37-39 under 35 U.S.C. § 102(e) as being anticipated by US Publication No. 20020069105 to Botelho (hereinafter, Botelho). Applicant respectfully traverses the rejection.

Botelho teaches a "pull" system of advertising, where users (e.g. consumers) decide what type of advertisements (or other content) they want to view. The user chooses one or more ad category preferences and Botelho's system serves one or more advertisements grouped within the chosen ad category preference(s) to a client device operated by the user. To serve the ad, the system builds a URL that includes a concatenation of information from a set of cookies. The URL is then used to locate the ad to be served. In one embodiment, the presence of a cookie with valid data is used as an indication that an advertisement according to the present invention should be served. (Botelho Abstract).

**Claim 1:**

Botelho does not teach, disclose, or suggest, *inter alia*, "an advertisement information accumulating device which accumulates the advertisement information registered by the first registration accepting device for a predetermined time," as specifically recited in Applicant's claim 1.

The Examiner asserts that Botelho ¶¶ 0050-0053, FIGS. 5 and 5A, reference numerals 180 and 182 anticipate the claimed "registration device." Applicant respectfully disagrees. Applicant claims "a first registration accepting device which accepts registration of advertisement information to be output as advertisement from outside," which is distinct from a mere "registration device."

Furthermore, ¶¶ 0050-0053, FIGS. 5 and 5A of Botelho merely disclose a method to generate an AdID, or an ID for an advertisement, which may have individual bits set on a language, geographic region, type of content, etc. This is different from and not anticipatory of the claimed “first registration accepting device” because in ¶¶ 0050-0053, and FIG. 5 of Botelho, Botelho is silent on “a first registration accepting device which accepts registration of advertisement information to be output as advertisement from outside,” and FIG. 5A of Botelho merely describes a bit pattern.

The Examiner asserts that Botelho ¶¶ 0050-0053, FIG. 5A, reference numerals 184, 188, and 190, anticipate the claimed “advertisement acceptance device.” Applicant respectfully disagrees. Applicant’s claim 1 does not recite an “advertisement acceptance device” at all.

Further, the Examiner asserts that Botelho ¶0061 anticipates the claimed “ranking device.” Applicant respectfully disagrees. Applicant claims “a ranking device which generates a ranking information indicating a rank of the advertisement information,” which is distinct from a mere “ranking device.” Furthermore, the sorting order described in ¶0061 of Botelho ranks the advertiser, and not the advertisement information, based on the number of impressions a given advertiser has purchased. (Emphasis added). Ranking the advertiser is different from ranking the advertisement information because, for example, the advertiser gets ranked based on the number of impressions bought whereas ranking the advertisement information is typically based on the popularity of the advertisement information among the targeted consumers.

Next, the Examiner cites that Botelho ¶¶0028-0031 and FIG. 1, reference numeral 58 anticipate an output device; and Botelho Summary of the Invention and FIG. 2 anticipate “an output module consisting of a transmitting medium” and “obtaining and display device.” Applicant respectfully disagrees. Applicant claims “an output module including: said transmitting medium used for

distributing an output distribution information; an obtaining device which obtains said output distribution information from said transmitting medium; and an information outputting device which outputs said advertisement information included in said obtained distribution information,” which is distinct from the elements of Botelho the Examiner has cited at least because Botelho is silent on “output distribution information” and “obtained distribution information.” As an illustration only, and without any limitation, the “output distribution information” could be comparable to a transmitted distribution information and the “obtained distribution information” could be comparable to a received distribution information, neither of which is mentioned in Botelho.

Accordingly, claim 1 is unanticipated by Botelho and is patentable. The Examiner is requested to allow claim 1.

Claim 3:

Claim 3 specifically recites, *inter alia*, “a voting accepting device which accepts a voting for ranking said output advertisement information,” which Applicant submits is not anticipated by Botelho.

Applicant notes that claim 3 depends from claim 1 and claim 1 is in a condition of allowance as discussed above. Therefore, claim 3 is allowable at least for this reason. Further, the sorting described in ¶0061 of Botelho is based on the impressions bought, not ranking by “a voting accepting device which accepts a voting for ranking said output advertisement information” as claimed. Next, Botelho is completely devoid of disclosing voting for ranking. In other words, Botelho discloses ranking of an advertiser based on the number of impressions bought by the advertiser and the Applicant claims, *inter alia*, “voting for ranking said output advertisement information.”

As an illustration only, and without any limitation, claim 3 covers an aspect of the invention wherein voting decides ranking and when the rank of the

advertisement information is under a predetermined rank for more than a predetermined time, a notice device conveys a notice information so that the advertisement information of high popularity may be continuously distributed and the advertisement information of low popularity may be deleted or not distributed.

Therefore, the Examiner is requested to allow claim 3.

Claim 8:

Claim 8, depending from claim 1, is in condition of allowance at least for the reasons cited above. Applicant requests that claim 8 be allowed.

Claim 37:

Botelho does not disclose “a notice device which notifies a notice information when the rank of the advertisement information is under a predetermined rank and the advertisement information is accumulated for more than a predetermined period in the advertisement information accumulating device” as specifically recited in claim 37.

In ¶0043, Botelho merely states, “In one embodiment, the system can include a timer that causes the next advertisement to be requested automatically after a predetermined time.” Botelho is silent, for example, on the two conditions being ANDed as regards the notice device claimed by the Applicant. This is neither the same nor suggestive of the claimed feature “... the rank of the advertisement information is under a predetermined rank and the advertisement information is accumulated for more than a predetermined period ...” (emphasis added) because Botelho is silent on the two conditions being ANDed.

Therefore, claim 37 is allowable because the above-mentioned feature,

"... the rank of the advertisement information is under a predetermined rank and the advertisement information is accumulated for more than a predetermined period ...," is not anticipated by Botelho and also because claim 37 depends from claim 1 which is in condition of allowance. Thus the Examiner is requested to allow claim 37.

Claim 38-43:

Claims 38-43 depend from claim 1 and recite additional features. Therefore, claims 38-43 are in condition of allowance at least for the reasons cited above. The Examiner is requested to allow claims 38-43.



### **CONCLUSION**

In view of the above, reconsideration and allowance of all of the claims are respectfully solicited.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 C.F.R. § 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

I hereby certify that this correspondence is being transmitted to the United States Patent and Trademark Office via electronic filing on

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